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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,055	02/18/2005	Reijo Varis	2657-1-002	3147

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EXAMINER
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KUMAR, RAKESH

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/525,055

Applicant(s)

VARIS, REIJO

Examiner

Rakesh Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Remarks Filed 06/07/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## Final Rejection

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,5,6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde et al. (U.S Patent Number 6,325,241) in view of Barker et al. (U.S. Patent Number 5,984,122).

3. Referring to claims 1 and 6. Garde discloses a tablet dispenser for consecutive administering of tablets in a desired dose, the device comprising a collar-shaped cassette body (1; Figure 2), including a central opening (see opening at the center of the bottom part 21 in Figure 2, disposed between members 32 and 28, the opening is considered to be the open space in between) surrounded by an open-top annular space (space comprising series of compartments 24) which is divided by partitions (see partition wall between compartments 24) for dosage containers (24), and a cover (22), concealing the dosage containers (24), rotatable relative to the cassette body (21), and provided adjacent to its circular rim (outside rim of cover in Figure 2) with a dispensing aperture (33) which is coincidable with any dosage container (24) by rotating the cover

(22), the cover (22) further including a central recess (see circular indentation disposed alongside opening 33 on which member 34 is positioned at center of cover 22) , which is fit to be embedded in the body's central opening (see opening at the center of the bottom part 21 in Figure 2, disposed between members 32 and 28, the opening is considered to be the open space in between), and the body is provided with a knurling (32), having a pitch which is matched to that of the dosage containers (each knurling teeth member matches a position coinciding with each tablet compartment 24), and the cover (22) is provided with pawls (30) set for cooperation with the knurling (32), which provide a retaining response against rotation of the cover (22) once the cover's aperture (33) is in coincidence with a given dosage container (24), characterized in that the recess (see circular indentation disposed alongside opening 33 on which member 34 is positioned at center of cover 22) is provided with a window (see small circular opening at lower portion of cover 22 in the recess; Figure 2, or the upper middle left side of cover in Figure 3), through which dosage and day information is visible, and that the pawls (30) are designed for allowing rotation of the cover (22), and that said retaining response is more powerful in the cover's rotating direction backward (see shape of teeth members 32; Figure 2) than in its rotating direction forward.

Garde does not specifically disclose a dispensing schedule placed in the body's central opening and does not disclose the cover to be able to rotate in either direction with respect to the position of the dispensing schedule.

Barker et al. discloses a dispensing schedule (738; Figure 10) placed in the body's central opening (above member 730 on member 710; Figure 10) to be viewable through the opening disposed on the top cover (712).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde and include a dispensing schedule to be placed in the body's central opening underneath the cover to be visible through the indicator opening as taught by Barker because it would allow a single type dispenser to use various types of removable and replaceable dispensing schedule indicia to be available for a particular dosage.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde and decrease the height and adjust the slope of the teeth (32; Figure 2; Garge) as to allow the pawls to slip and allow the cover to rotate in either directions (forward and backward) with a different engaging strength required to rotate in the forward direction and as required to rotate in the backward direction, because it would allow a user to reverse to the correct dosage container without having to further rotate the cover completely around.

4. Referring to claims 5 and 17. Regarding claim 5, Garde discloses a tablet dispenser for consecutive administering of tablets wherein the cover has its outer rim provided with a knurling for a finger grip which facilitates rotation of the cover (see knurling molded on outer rim of cover 22; Figure 2). Regarding claim 17, see claim 1.

5. Claims 2,9,14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde in view of Barker as applied to claim 1 above, and further in view of Lambelet et al. (U.S. Patent Number 5,555,597).

6. Referring to claim 2. Garde discloses a tablet dispenser for consecutive administering of tablets wherein the knurling (32) is located on the circular rim of the central opening (see opening at the center of the bottom part 21 in Figure 2, disposed between members 32 and 28, the opening is considered to be the open space in between) and the pawls (30) comprise flexible tabs (see Figure 30 present on the midway of the outer rim of the cover's recess (see circular indentation disposed alongside opening 33 on which member 34 is positioned at center of cover 22).

Garde does not disclose the pawls being disposed on the outer rim of the cover's recess.

Lambelet discloses pawls (241; Figure 8) positioned on the outer rim of the circular platform (236) to engage the notches (231) on the rotatable knob (203).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker and dispose the pawls on the outer rim of the cover's recess as taught by Lambelet because the assembly of the dispenser would be easier if the engagement of the pawls with the knurling are seen as they are engaged in position during assembly.

Referring to claim 9. See claim 5.

Referring to claims 14 and 20. See claim 1.

7. Claims 3,7,8,10,12,15,18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde in view of Barker and further in view of Lambelet as applied to claim 2 above, and further in view of McAllister et al. (U.S. Patent Number 5,782,359).

8. Referring to claims 3 and 7. McAllister discloses a child proof pill container wherein the body's top edge (29; Figure 2) has its outer rim (22) provided with a circular hem (30) and the cover (24) has its rim provided with inwardly directed lugs (28), the circular hem (30) being provided, at a pitch complementary thereto, with discontinuities (see space between member 29; Figure 2) which, in just one rotary position of the cover (24), establish passages for the lugs (28) which, by rotating the cover (24), are engageable behind the circular hem (30) for retaining the cover (28) in contact with the body (10) in all other positions except said rotary position allowing a passage of the lugs (28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker and further in view of Lambelet to include a circular hem on the outer rim of the body and include a complementary lugs positioned on the rim of the cover directed inwardly to engage the circular hem in all positions except a rotary disengaging position where the cover can be

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removed from the dispenser body as taught by McAllister. As a result, the cover can not accidentally be removed while rotating to the next dosage except when the two members are aligned a single unitary position.

Referring to claims 10 and 12. See claim 5.

Referring to claims 15, 18, 21 and 23. See claim 1.

Referring to claim 8. See claim 4.

9. Claims 4, 11, 13, 16, 19, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde in view of Barker in view of Lambelet and further in view of McAllister as applied to claim 3 above, and further in view of Benaroya (U.S. Patent Number 4,572,403).

10. Referring to claim 4. Benaroya discloses a tablet dispensing device (Figure 1 and 9) wherein between the first (container 17 positioned on left side of solid top in alignment with inscribed position "01" on member 12; Figure 3) and last (container 17 positioned on right side of solid top in alignment with inscribed position "28" on member 12; Figure 3) dosage containers (17) lies a solid-top (see solid top on tablet tray 16; Figure 3), which occupies a space matching the dosage containers (17) pitch and the cover's (13) dispensing aperture (21) falls alongside the closed compartment (see solid top on tablet tray 16; Figure 3).



Benaroya does not disclose the compartment with the solid top having an open-bottom nor does Benaroya disclose that in the rotary position, which aligns with the solid top, allows a passage of lugs formed on the rim of the cover.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker in view of Lambelet and further in view of McAllister to position a passage for the lugs (Garde) of the cover alongside the closed compartment as taught by Benaroya because, it would allow the user to remove the cover of the dispenser to refill as the last dosage is consumed from the dispenser.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a closed compartment that contained an open bottom because it would reduce material cost and the weight of the dispenser.

Referring to claims 11 and 13. See claim 5.

Referring to claims 16 and 22. See claim 1.

Referring to claims 19 and 24. See claims 8 and 1.

### ***Response to Arguments***

Applicant's arguments filed 06/07/2006 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant argues, "Garde et al. reference does not allow the rotation of the cover (22) in "either direction". The Office does not conclude that the reference of Garde specifically teaches of the cover able to rotate in either direction (forward and backward). However, Garde discloses an apparatus wherein the cover can rotate in the forward direction and is specifically prevented from rotating in the backward direction by configuring the shape and the slope of the teeth (32) and the pawl (30) to allow the pawl to advance over the teeth in one direction and resist rotation in the opposite direction. It is in the view of the Office such that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde to include the teeth and pawl engaging configuration to be adjusted ("made softer") to allow the pawl to pass over the stationary teeth in both directions by configuring the slopes of both the pawls and the teeth.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK  
August 15, 2006

  
**KATHY MATECKI**  
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